

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

United States of America,	)	CRIMINAL NO. 3:09-930 (CMC)
	)	
v.	)	<b>OPINION and ORDER</b>
	)	
Martin Mendez,	)	
	)	
Defendant.	)	
_____	)	

Defendant, proceeding *pro se*, sought relief in this court pursuant to 28 U.S.C. § 2255. Defendant raised three claims of ineffective assistance of trial counsel. In response to Defendant's motion, the Government filed a motion for summary judgment, together with an affidavit of counsel. Pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the court advised Defendant of the summary judgment procedure and the consequences if he failed to respond. On January 10, 2014, 2013, Defendant filed a response to the Government's motion.

On January 14, 2014, the court granted the Government's motion for summary judgment and denied Defendant a certificate of appealability. *See* Opinion & Order (ECF No. 450).

On January 21, 2014, the Clerk of Court received a "Sworn Affidavit of Martin Mendez." ECF No. 453. In this affidavit, Defendant presents several averments in support of his motion for relief under 28 U.S.C. § 2255.

Even if this affidavit was not untimely filed, its averments do not warrant a change in the court's order entered January 14, 2014. Accordingly, the court's order filed January 14, 2014, is hereby affirmed.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
January 31, 2014